

Union Calendar No. 357

111TH CONGRESS
2^D SESSION

H. R. 2923

[Report No. 111–615, Part I]

To enhance the ability to combat methamphetamine.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2009

Mr. GORDON of Tennessee (for himself, Mr. SENSENBRENNER, Ms. BORDALLO, Mr. CARNAHAN, Mr. CARNEY, Mr. WAMP, Mr. MATHESON, Mr. CHANDLER, Mr. DAVIS of Tennessee, and Mr. DONNELLY of Indiana) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 22, 2010

Reported from the Committee on Energy and Commerce

SEPTEMBER 22, 2010

Additional sponsors: Mr. BOOZMAN, Ms. GIFFORDS, Ms. HIRONO, Mr. MCINTYRE, Mr. CUMMINGS, Mr. BACA, and Mr. PETERSON

SEPTEMBER 22, 2010

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To enhance the ability to combat methamphetamine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Combat Methamphet-
5 amine Enhancement Act of 2009”.

6 **SEC. 2. REQUIREMENT OF SELF-CERTIFICATION BY ALL**
7 **REGULATED PERSONS SELLING SCHEDULED**
8 **LISTED CHEMICALS.**

9 Section 310(e)(2) of the Controlled Substances Act
10 (21 U.S.C. 830(e)(2)) is amended by inserting at the end
11 the following:

12 “(C) Each regulated person who makes a
13 sale at retail of a scheduled listed chemical
14 product and is required under subsection (b)(3)
15 to submit a report of the sales transaction to
16 the Attorney General may not sell any sched-
17 uled listed chemical product at retail unless
18 such regulated person has submitted to the At-
19 torney General a self-certification including a
20 statement that the seller understands each of
21 the requirements that apply under this para-
22 graph and under subsection (d) and agrees to
23 comply with the requirements. The Attorney
24 General shall by regulation establish criteria for
25 certifications of mail-order distributors that are

1 consistent with the criteria established for the
2 certifications of regulated sellers under para-
3 graph (1)(B).”.

4 **SEC. 3. PUBLICATION OF SELF-CERTIFIED REGULATED**
5 **SELLERS AND REGULATED PERSONS LISTS.**

6 Section 310(e)(1)(B) of the Controlled Substances
7 Act (21 U.S.C. 830(e)(1)(B)) is amended by inserting at
8 the end the following:

9 “(v) PUBLICATION OF LIST OF SELF-
10 CERTIFIED PERSONS.—The Attorney Gen-
11 eral shall develop and make available a list
12 of all persons who are currently self-cer-
13 tified in accordance with this section. This
14 list shall be made publicly available on the
15 website of the Drug Enforcement Adminis-
16 tration in an electronically downloadable
17 format.”.

18 **SEC. 4. REQUIREMENT THAT DISTRIBUTORS OF LISTED**
19 **CHEMICALS SELL ONLY TO SELF-CERTIFIED**
20 **REGULATED SELLERS AND REGULATED PER-**
21 **SONS.**

22 Section 402(a) of the Controlled Substances Act (21
23 U.S.C. 842(a)) is amended—

24 (1) in paragraph (13), by striking “or” after
25 the semicolon;

1 (2) in paragraph (14), by striking the period
2 and inserting “; or”;

3 (3) by inserting after paragraph (14) the fol-
4 lowing:

5 “(15) to distribute a scheduled listed chemical
6 product to a regulated seller, or to a regulated per-
7 son referred to in section 310(b)(3)(B), unless such
8 regulated seller or regulated person is, at the time
9 of such distribution, currently registered with the
10 Drug Enforcement Administration, or on the list of
11 persons referred to under section 310(e)(1)(B)(v).”;
12 and

13 (4) inserting at the end the following: “For
14 purposes of paragraph (15), if the distributor is
15 temporarily unable to access the list of persons re-
16 ferred to under section 310(e)(1)(B)(v), the dis-
17 tributor may rely on a written, faxed, or electronic
18 copy of a certificate of self-certification submitted by
19 the regulated seller or regulated person, provided the
20 distributor confirms within 7 business days of the
21 distribution that such regulated seller or regulated
22 person is on the list referred to under section
23 310(e)(1)(B)(v).”.

1 **SEC. 5. NEGLIGENT FAILURE TO SELF-CERTIFY AS RE-**
2 **QUIRED.**

3 Section 402(a) of the Controlled Substances Act (21
4 U.S.C. 842(a)(10)) is amended by inserting before the
5 semicolon the following: “or negligently to fail to self-cer-
6 tify as required under section 310 (21 U.S.C. 830)”.

7 **SEC. 6. EFFECTIVE DATE AND REGULATIONS.**

8 (a) **EFFECTIVE DATE.**—This Act and the amend-
9 ments made by this Act shall take effect 180 days after
10 the date of enactment of this Act.

11 (b) **REGULATIONS.**—In promulgating the regulations
12 authorized by section 2, the Attorney General may issue
13 regulations on an interim basis as necessary to ensure the
14 implementation of this Act by the effective date.

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